



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 04-17
October 6, 2006

MISCELLANEOUS CHANGES

BACKGROUND: This PN revises the NASA FAR Supplement to make the following administrative and editorial changes:

1. 1804.671: revises the office to which C.A.S.E. reports are to be sent.
2. 1806.304-70: revises the JOFOC approval thresholds consistent with the threshold changes made in FAC 2005-13.
3. 1806.501: revises the identity of the Headquarters competition advocate.
4. 1813.301-73: revises the office responsible for agency purchase card program coordinator.
5. 1819.5: deletes 1819.502-70(d), redesignates 1819.502-70(e) as 1819.502-70(d), and deletes 1819.506, consistent with the changes in FAC 2005-10 that establish procedures for when a Small Business Administration procurement center representative is not assigned.
6. 1823.404: revises the document number of the referenced Affirmative Procurement Program for Environmentally Preferable Products to NPR 8530.1.

ACQUISITIONS AFFECTED BY CHANGES: None.

ACTION REQUIRED BY CONTRACTING OFFICERS: None.

CLAUSE CHANGES: None.

PARTS AFFECTED: Parts 1804, 1806, 1813, 1819, and 1823.

REPLACEMENT PAGES: You may use the enclosed pages to replace 4:5, 4:6, 6:5, 13:3, 13:4, 19:1, 19:2, 19:5, 19:6, 23:1, and 23:2 of the NFS.

TYPE OF RULE AND PUBLICATION DATE: These changes do not have a significant impact beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors, and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

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HEADQUARTERS CONTACT: Tom O'Toole, Office of Procurement, Contract Management Division, (202) 358-0478, email: thomas.otoole@nasa.gov.

/s/ James Balinskas for

Tom Luedtke

Assistant Administrator for Procurement

Enclosures

DISTRIBUTION LIST:

PN List

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The contracting officer must insert a clause substantially the same as the clause at 1852.204-76, Security Requirements for Unclassified Information Technology Resources, in solicitations and contracts which require submission of an IT Security Plan.

Subpart 1804.5--Electronic Commerce in Contracting

1804.570 NASA Acquisition Internet Service (NAIS).

1804.570-1 General.

The NASA Acquisition Internet Service (NAIS) provides an electronic means for posting procurement synopses, solicitations, and associated information on the NAIS Internet site which in turn, automatically posts relevant information onto the Governmentwide point of entry (GPE).

1804.570-2 Electronic Posting System.

- (a) The NAIS Electronic Posting System (EPS) enables the NASA procurement staff to --
 - (1) Electronically create and post synopses on the NAIS Internet site and the GPE; and
 - (2) Post solicitation documents, including solicitation amendments or cancellations, and other procurement information on the NAIS Internet site with linked references on the GPE.
- (b) The EPS maintains an on-line index linking the posted synopses and solicitations for viewing and downloading.
- (c) The EPS shall be used to --
 - (1) Create and post all synopses in accordance with FAR Part 5 and NFS 1805; and
 - (2) Post all competitive solicitation files, excluding large construction and other drawings, for acquisitions exceeding \$25,000.
- (d) The NAIS is the official site for solicitation postings which in turn, automatically posts relevant information onto the Government-wide point of entry (GPE). In the event supporting materials, such as program libraries, cannot be reasonably accommodated by the NAIS, Internet sites external to NAIS may be established after coordination with the contracting officer. Such sites must be linked from the NAIS business opportunities index where the solicitation resides. External sites should not duplicate any of the files residing on the NAIS.

Subpart 1804.6--Contract Reporting

1804.601 Record requirements.

The Headquarters Office of Procurement (Code HC) is responsible for meeting the requirements of FAR 4.601, based on installation submission of Individual Procurement Action Reports (NASA Form 507 series) data.

1804.671 Committee on Academic Science and Engineering (C.A.S.E.) Report.

NASA Form 1356, C.A.S.E. Report on College and University Projects, shall be prepared for awards to nonprofit institutions of higher education or to nonprofit institutions that are operationally affiliated or integrated with an educational institution. Information on this form is used to produce reports required by the National Science Foundation and to respond to inquiries. Submission is required regardless of instrument type (contract, grant, cooperative agreement, or funded Space Act agreement) and type of proposal (solicited or unsolicited). Instructions appear

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on the form itself and constitute the detailed guidance for preparation and submission. The form, which is either included with the acquisition package or initiated by the contracting office, shall be completed, reviewed, and promptly forwarded upon award to the Headquarters Office of Education, Director, Performance Measurement.

Subpart 1804.8--Government Contract Files

1804.802-70 Handling of classified material.

When a contract is unclassified, classified material relating to that contract shall be maintained in a separate file folder and container, and the unclassified folder shall be marked to indicate the location of the classified material. The front and back of each folder containing classified material shall be marked with the highest classification assigned to any document in the folder.

1804.803 Contents of contract files.

1804.803-70 Checklist.

NASA Form 1098, Checklist for Contract Award File Content, shall be used as the "top page" in contract files.

1804.804 Closeout of contract files.

1804.804-2 Closeout of the contracting office files if another office administers the contract.

(b) Upon receiving the NASA Form 1611 or DD Form 1594, Contract Completion Statement, from the contract administration office and complying with FAR 4.804-2(b), the contracting officer shall complete the form.

1804.804-5 Procedures for closing out contract files.

(a) When the contracting office retains contract administration (excluding acquisitions under the simplified acquisition threshold), the contracting officer must comply with FAR 4.804-5(a) by completing NASA Form 1612, Contract Closeout Checklist, and DD Form 1593, Contract Administration Completion Record.

(b) To comply with FAR 4.804-5(b), the contracting officer must complete NASA Form 1611 or DD Form 1594, Contract Completion Statement, except for acquisitions under the simplified acquisition threshold.

1804.805 Storage, handling, and disposal of contract files.

(a) See NPR 1441.1, NASA Records Retention Schedules.

1804.805-70 Review, separation, and retirement of contract files.

(a) Upon determination of contract completion under the procedures outlined in 1804.804, each office shall remove the official contract files from the active file series, mark each file folder with "Completed (Date)", and place the folder in a completed (inactive) contract file series. Separate series should be established for contracts of \$25,000 or less and for contracts of

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more than \$25,000, to facilitate later disposal. Any original or official file copies of documents contained in duplicate or "working" contract files shall be removed and placed in the appropriate

1806.304-70 Approval of NASA justifications.

Concurrences and approvals for justifications of contract actions conducted in accordance with FAR Subparts 6.2 and 6.3 shall be obtained as follows:

- (a) For proposed contracts over \$550,000 but not exceeding \$11,500,000 -
 - (1) Concurring official: Procurement Officer
 - (2) Approving official: Center or Headquarters Competition Advocate.
- (b) For proposed contracts over \$11,500,000 but not exceeding \$78,500,000 -
 - (1) Concurring officials:
 - (i) Procurement Officer
 - (ii) Center or Headquarters Competition Advocate
 - (2) Approving official: Head of the contracting activity.
- (c) For proposed contracts over \$78,500,000 -
 - (1) Concurring officials:
 - (i) Procurement Officer
 - (ii) Center or Headquarters Competition Advocate
 - (iii) Head of the contracting activity.
 - (iv) Agency Competition Advocate
 - (2) Approving Official: Assistant Administrator for Procurement
- (d) The approval authority of FAR 6.304(a)(3) may not be delegated to other than the installation's Deputy Director.
- (e) For proposed contract actions requiring approval by the Assistant Administrator for Procurement, the original justification shall be forwarded to the Assistant Administrator for Procurement (Code HS).
- (f) Regardless of dollar value, class justifications shall be approved by the Assistant Administrator for Procurement.

Subpart 1806.5--Competition Advocates**1806.501 Requirement.**

- (1) The Director, Program Operations Division, Code HS, is the agency competition advocate, reporting to the Assistant Administrator for Procurement on issues related to competition of NASA acquisitions.
- (2) The Center Deputy Directors or Associate Directors are the competition advocates for their contracting activities.
- (3) The executive officer for the Director of Headquarters Operations is the competition advocate for the Headquarters contracting activity.

1806.502 Duties and Responsibilities.

- (b)(i) Center competition advocates shall submit annual reports to the agency competition advocate (Code HS) on or before November 30.
- (ii) The agency competition advocate shall submit an annual agency report on or before January 31.

(iv) Implementation of the applicable contract clauses. This requirement may be satisfied by forwarding a completed SF 1449, appropriately modified to reflect purchase card terms, to the awardee after placing the order via the card, provided that the awardee must be notified of, and agree to, the applicability of the SF 1449 clauses when the order is placed.

1813.301-70 Purchase card documentation.

Documentation of purchases shall be minimized. For transactions below the micro-purchase threshold, the card holder shall maintain a brief log of purchases and a file of monthly purchase card statements indicating whether item receipt has occurred. For purchases above the micro-purchase threshold, see 1813.106-3(b)(3)(ii).

1813.301-71 Training.

All cardholders and approving officials must complete training prior to receiving a purchase card. Training will address the responsibilities of the cardholder and approving official, prohibited purchases, purchase limitations, and sources of supply.

1813.301-72 Approving official.

The approving official is the individual who reviews and approves a cardholder's monthly statement of purchases. The approving official shall be the cardholder's immediate or higher level supervisor; in no case shall cardholders approve their own statement of purchases. Unless center procedures otherwise provide for their designation, the procurement officer shall designate approving officials.

1813.301-73 Program officials.

(a) The NASA Shared Service Center, Procurement Division, is the agency program coordinator.

(b) The procurement officer shall identify the center program coordinator and the center billing office point of contact, and provide their names to the agency program coordinator.

1813.302 Purchase orders.

1813.302-1 General.

(a) See 1813.003(g).

1813.302-570 NASA solicitation provisions.

(a)(1) The contracting officer may use the provision at 1852.213-70, Offeror Representations and Certifications—Other Than Commercial Items, in simplified acquisitions exceeding the micro-purchase threshold that are for other than commercial items. This provision shall not be used for acquisition of commercial items as defined in FAR 2.101.

(2) This provision provides a single, consolidated list of certifications and representations for the acquisition of other than commercial items using simplified acquisition procedures and is attached to the solicitation for offerors to complete and return with their offer.

(i) Use the provision with its Alternate I in solicitations for acquisitions that are for, or specify the use of recovered materials (see FAR 23.4).

(ii) Use the provision with its Alternate II in solicitations for the acquisition of research, studies, supplies, or services of the type normally acquired from higher education institutions (see FAR 26.3).

(iii) Use the provision with its Alternate III in solicitation which include the clause at FAR 52.227-14, Rights in Data—General (see FAR 27.404(d)(2) and 1827.404(d)).

(b) The contracting officer may insert a provision substantially the same as the provision at 1852.213-71, Evaluation—Other than Commercial Items, in solicitations using simplified acquisition procedures for other than commercial items when a trade-off source selection process will be used, that is, factors in addition to technical acceptability and price will be considered. (See FAR 13.106.)

1813.302-70 Purchase orders under section 8(a) of the Small Business Act.

Purchase orders made using simplified acquisition procedures are authorized for 8(a) acquisitions under the simplified acquisition threshold.

1813.303 Blanket Purchase Agreements (BPAs)

1813.303-3 Preparation of BPAs.

(a)(4) Non-GS-1102 or -1105 personnel shall not be authorized to place individual orders under a BPA in an amount greater than \$5,000. For sole source orders above \$2,500, a contracting officer's determination is required in accordance with FAR 13.106-1(b)(1).

1813.307 Forms.

(b) Installations may use locally prescribed forms.

(c) Installations may use locally prescribed forms.

(d) The SF 44 may be used for purchases of aviation fuel and oil of \$10,000 or less.

PART 1819
SMALL BUSINESS PROGRAMS

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PART 1819

SMALL BUSINESS PROGRAMS

1819.001 Definitions.

“**High-Tech**” as used in this part means research and/or development efforts that are within or advance the state-of-the-art in a technology discipline and are performed primarily by professional engineers, scientists, and highly skilled and trained technicians or specialists.

Subpart 1819.2--Policies

1819.502 Setting aside acquisitions.**1819.502-70 Non-initiation of set-asides.**

(a) All cases involving the non-initiation of a set-aside, whether resulting from a joint decision of the small business specialist and the contracting officer or a decision by the contracting officer alone, require referral to the SBA representative (if one is assigned and available) for review.

(b) If the small business specialist recommends that an individual acquisition or a class of acquisitions, or a portion thereof, be set aside, the contracting officer shall promptly either concur in or disapprove the recommendation, stating in writing the reasons for disapproval.

(c) When an SBA representative is assigned and available and the contracting officer disapproves the small business specialist's recommendation, the contracting officer shall promptly refer the case to the SBA representative for review. The small business specialist shall take no further appeal action. The SBA representative must either concur with the decision or appeal the case to the procurement officer under FAR 19.505. If the procurement officer approves the contracting officer's decision and the SBA appeals under FAR 19.505(c), the procurement officer shall forward the required written justification, including a history of discussions between the center and the SBA and rationale for the decision, to the Headquarters Office of Procurement, Program Operations Division.

(d) The contracting officer shall prepare, sign, and retain in the contract file a memorandum of nonconcurrence in a recommended set-aside action.

1819.502-3 Partial set-asides.**1819.502-370 NASA Reporting Requirements.**

The contracting officer shall separately report, in accordance with Subpart 1804.6, awards of the non-set-aside portions of small business set-aside acquisitions.

1819.505 Rejecting Small Business Administration recommendations.

See 1819.502-70.

Subpart 1819.6--Certificates of Competency and Determinations of Responsibility**1819.602 Procedures.****1819.602-1 Referral.**

(a) On proposed awards exceeding the simplified acquisition threshold, the contracting officer should consider requesting a preaward survey (see FAR 9.106) before determining that a responsive small business firm is not responsible. The scope of the preaward survey request should be limited to those elements of responsibility that are questioned.

(2) The contracting officer shall forward a copy of the referral to SBA through the procurement officer to the Headquarters Office of Small and Disadvantaged Business Utilization (Code K).

1819.602-3 Resolving differences between the agency and the Small Business Administration.

1819.602-370 NASA Procedures.

(a) When agreement cannot be reached between the contracting officer and the SBA Area Office, the contracting officer shall forward to the Headquarters Office of Procurement (Code HS) on an expedited basis, a complete case file with a request that the case be considered for appeal to SBA Headquarters. The contracting officer shall include the data already furnished to SBA, SBA's rationale for proposing to issue a COC, and the contracting officer's comments. The contracting officer shall suspend acquisition action until informed by Code HS of the final decision in the case.

(b) If the Office of Procurement concludes that the referral to SBA should be withdrawn and a contract awarded without benefit of a COC, Code HS shall inform the contracting officer.

(c) If the Office of Procurement agrees with the contracting officer's recommended appeal action, the Assistant Administrator for Procurement shall forward the appeal through the Office of Small and Disadvantaged Business Utilization (Code K) to SBA Headquarters.

Subpart 1819.7--The Small Business Subcontracting Program**1819.705-2 Determining the need for a subcontracting plan.**

(d) Solicitations for competitive negotiated acquisitions shall require proposed subcontracting plans with initial proposals (see 1819.708(b)(1)). For sole source negotiated acquisitions, the contractor shall be required to submit a proposed subcontracting plan with the proposal.

1819.705-4 Reviewing the subcontracting plan.**1819.705-470 Acquisition-specific subcontracting goals.**

Section 1819.201 addresses Agencywide goals at the combined prime and subcontract levels. Appropriate subcontracting goals for an individual acquisition, however, are to be independently determined on the basis of the specific circumstances of the acquisition, consistent with FAR 19.705-4 and 1819.7002(b), and not on the basis of an Agencywide or center goal. Acquisition-specific subcontracting goals should reflect maximum practicable opportunities for all categories of small business concerns to participate in NASA programs, consistent with efficient performance. The methods outlined in NASA Policy Directive (NPD) 5000.2, Uniform Methodology for Determination of Small Disadvantaged Subcontracting Goals, may also be useful in establishing

PART 1823
ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY
TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

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PART 1823
ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY
TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 1823.2--Energy and Water Efficiency and Renewable Energy

1823.203 Energy-efficient products.

Responsibility, policy and procedures for NASA's implementation of FAR 23.203, including cost-effectiveness, are described in NPR 8570.1, "Energy Efficiency and Water Conservation Technologies and Practices."

1823.270 Federal fleet and transportation efficiency.

Responsibility, policy and procedures for NASA's implementation of Executive Order 13149, "Greening the Government through Federal Fleet and Transportation Efficiency", including cost-effectiveness, are described in NPR 6200.1, "NASA Transportation and General Traffic Management."

1823.271 NASA Solicitation provision and contract clause.

Insert the clause at 1852.223-76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or -leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.

**Subpart 1823.3--Hazardous Material Identification
and Material Safety Data****1823.370 Acquisition of potentially hazardous items from or through another Government agency.**

When acquiring supplies or services from or through another Government agency (e.g., see FAR Part 8 and FAR Subpart 17.5), NASA shall request that agency to furnish NASA the data required by FAR Subpart 23.3.

Subpart 1823.4--Use of Recovered Materials**1823.404 Agency affirmative procurement programs.**

NASA's affirmative procurement program is described in the Affirmative Procurement Plan for Environmentally Preferable Products (NPR 8530.1).

Subpart 1823.5--Drug-Free Workplace**1823.570 Drug-and alcohol-free workforce.**

This section sets forth NASA requirements for mandatory drug and alcohol testing of certain contractor personnel under section 203, National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473, 72 Stat. 429; and Civil Space Employee Testing Act of 1991, Public Law 102-195, sec. 21, 105 Stat. 1616 to 1619.

1823.570-1 Definitions.

As used in this subpart **employee** and **controlled substance** are as defined in FAR 23.503. The